

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KIMBERLY ELLIOT, ET AL.,

Plaintiffs,

v.

Case number 05-71501

Honorable Julian Abele Cook, Jr.

BOTSFORD CONTINUING HEALTH CENTER,
ET AL.,

Defendants.

ORDER

This controversy involves charges of unlawful acts of discrimination by the Plaintiffs, Kimberly Elliot et al, against the Defendants, Botsford Continuing Health Center and Lawrence Perkins (“Botsford”). In their Complaint, the Plaintiffs allege, *inter alia*, that the Defendants refused to grant any reasonable accommodation to Elliot’s medical needs during her employment tenure at the Center, in violation of (1) section 1077(a) of the Americans With Disability Act, 42 U.S.C. § 12117, *et seq*, and (2) section 706 of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2005e-5.

On November 4, 2005, the Defendants filed a motion for the entry of a summary judgment, contending, in essence, that there are no genuine issues of a material fact to be resolved in this litigation. However, Elliot disputes this assertion, contending that, if given an opportunity, evidence will be produced by her that she (1) has a disability, (2) is a “qualified individual” under the Americans With Disability Act, (3) can perform the essential functions of her job, and (4) made a

timely request for a reasonable work accommodation.

The record in this case does not support the Plaintiffs' position. Thus, for the reasons that were placed upon the record at the conclusion of the hearing on January 31, 2006, the Defendants' motion for summary judgment will be, and is, granted.

IT IS SO ORDERED.

DATED: March 3, 2006
Detroit, Michigan

s/ Julian Abele Cook, Jr.
JULIAN ABELE COOK, JR.
United States District Judge

Certificate of Service

I hereby certify that on March 6, 2006, I electronically filed the foregoing with the Clerk of the Court using the ECF system, and I further certify that I mailed a copy to the non-ECF participant(s).

s/ Kay Alford
Courtroom Deputy Clerk